

REMARKS

Applicant respectfully requests reconsideration of the allowability of the claims in the instant application.

Amendments

Applicant has cancelled all prior claims and replaced them with new claims 26 through 46. The new claim set consists of twenty claims, three of which are independent claims. Applicant believes that no additional fees are required for any of the new claims. However, should a fee be due, Applicant respectfully requests being given an opportunity to pay any fee that may be due without any adverse effect to the claims of the instant application.

Applicant believes that none of the amendments made to the instant application contains new matter. More specifically, the amendments to the specification correct some formal errors and merely state explicitly what is shown in FIG. 1, i.e., that the filler material may be in the form of a single block in a gabion compartment. The new claims find support in the specification from page 3, line 40 through page 5, line 103, and in the drawings.

Rejections

In the Office Action, the examiner rejected all of the claims then-pending as being either (1) anticipated by Papeti (USPN 4,726,708) or Woodfin (USPN 6,381,792 B1), or (2) unpatentably obvious over Papeti in view of Coburn (USPN 4,643,271). Applicant believes that the cancellation of the then-pending claims makes the rejections moot.

New Claims in View of the Art of Record

Applicant believes that the new claims are patentable over the art of record in the prosecution file of the instant application. Applicant would like to take this opportunity to point out some of the distinctions between the new claims and the art the examiner applied in the Office Action.

(a) Papetti: Independent claim 26 claims a portable roadway having sufficient strength to support construction vehicle traffic. That portable roadway comprises a supporting layer comprising wire mesh gabions having a plurality of compartments, each of which is substantially full of a filler material having a density less than that of water. The portable roadway also comprises a traffic layer which comprises a plurality of panels which are removeably placeable upon the top surface of the support layer that is formed by the plurality of gabions. Independent claim 36 claims a portable platform having substantially the same characteristics. Independent claim 19 claims a method for making a portable roadway and/or platform having substantially the same characteristics.

Applicant respectfully submits that Papetti does not teach either a portable roadway or a portable platform of any kind, let alone one having the characteristics of Applicant's claims. The only reference of any kind in Papetti to the subject of roads is in Papetti's Field of the Invention section at column 1, lines 8-14 wherein it is stated that the invention disclosed therein relates to "mattress-type gabions for use as a covering or other protective structures for preventing soil erosion . . . and for consolidating soil against landslides in the building of river embankments, . . . , road construction and similar works." (Emphasis added). Furthermore, the only filler material disclosed by Papetti is "ballast," e.g., at col. 2, line 10), which is inherently of sufficient density to

permit the gabions to perform their functions of preventing soil erosion and consolidating soil. All of the ordinary meanings of “ballast” connote high density material. *See, e.g.,* Exhibit 1 hereto: Random House Webster’s College Dictionary, p. 106, def. 1 (Random House, New York, 1996) (“a heavy material carried on a vessel to control draft and stability or a balloon to control altitude); *id.*, def. 2 (“gravel of broken stone placed under the ties of a railroad”). Applicant has reviewed Papetti and can find no indication that it has given the term “ballast” any meaning that is inconsistent with a connotation of a high density material. Accordingly, Papetti is devoid of any teachings of filling gabions with a filler material which has a density less than that of water.

Moreover, Papetti has no teachings about a traffic layer of any sort, let alone one which comprises a plurality of panels which are removeably placeable upon the top surface of a support layer that is formed by a plurality of gabions

Thus, Applicant respectfully submits that Papetti does not anticipate nor fairly render obvious any of Applicant’s new claims.

(b) Woodfin: Woodfin teaches the making of a floating modular bridge by inflating fabric envelopes with an injectable expandable foam. *See, e.g.,* Woodfin at column 2, lines 29-64; *id.* at column 4, lines 23-33. The surface upon which traffic travels is the fabric of the envelope. *Id.* at column 3, lines 46-53. Woodfin has no teachings about the use of either wire mesh gabions or of a traffic layer that comprises a plurality of panels which are placeable upon the top surface of a support layer that is formed by a plurality of gabions. Thus, Applicant respectfully submits that Woodfin neither anticipates nor fairly renders obvious any of Applicant’s new claims.

(c) Coburn: Coburn teaches the making of sound barriers along vehicle pathways by filling wire mesh gabions with a combination of a sound absorbing material and a ballast material. Coburn at abstract. The ballast is preferably crushed stone. *Id.* at column 1, lines 59-64. Although the sound absorbing material may be shredded polystyrene foam or shredded vehicle tires, Coburn does not teach using them alone but rather that they may be used in combination with stone that forms the core and base of the gabions to provide stability. *Id.* at column 2, lines 27-68. Coburn states that the gabions are “preferably very heavy to withstand vehicle impacts, to assure their stability, and to reduce the likelihood of vandalism or theft. . . .” *Id.* at column 2, lines 63-68 (emphasis added). Coburn has no teachings of gabion compartments being substantially full of a filler material that has a density less than that of water. Furthermore, Coburn has no teachings about using gabions to make either a portable roadway or a portable platform. Nor does Coburn have any teachings about a traffic layer which comprises a plurality of panels which are removeably placeable upon the top surface of a support layer that is formed by a plurality of gabions.

Thus, Applicant respectfully submits that Coburn neither anticipates nor fairly renders obvious any of Applicant’s new claims.

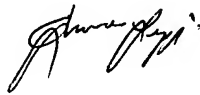
Miscellaneous

Applicant’s prior attorney made a statement on Applicant’s behalf in the Remarks of the paper filed on November 23, 2005, purportedly identifying the “true nature” of Applicant’s invention. Upon reconsideration, Applicant believes that statement to be unduly narrow. Accordingly, Applicant hereby withdraws that statement.

Conclusion

Applicant respectfully submits that the new set of claims are neither anticipated by nor fairly rendered obvious by any of the prior art of record, either when considered alone or when taken in combination. Therefore, Applicant respectfully submits that the new claims are patentable and requests allowance of same.

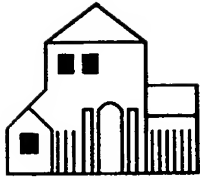
Respectfully submitted,



Thomas Lizzi, Esq.
Reg. No. 35,252

Tucker Arensberg, P.C.
1500 One PPG Place
Pittsburgh, PA 15222
Phone: (412) 594-3915
Cell: (412) 585-6956
Fax: (412) 594-5619
Email: tlizzi@tuckerlaw.com

Attorneys for Applicant



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